

REMARKS

Claims 9-16 and 24-35 are pending in the application. The Examiner rejected Claims 9-16 and 24-35 under 35 U.S.C. §102(a) as being anticipated by: Ericsson, Multiple Scrambling Codes, TSGR1#5(99)724 ("Ericsson"); 3GPP TS 25.213 v2.0.0. (1999-4), Spreading and Modulation ("25.213"); and, 3GPP TS 25.211 v2.0.0 (1999-04), Mapping of Transport Channels onto Physical Channels ("25.211").

Please amend Claims 24, 30 and 34 as set forth herein. Please add new Claims 36-47 as set forth herein. No new matter has been added by either the amendments or new claims.

Initially, in order to properly support a rejection under §102, only one reference may be used. M.P.E.P. §2131 Anticipation, states, "To anticipate a claim, the reference must teach every element of the claim, and "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The only exceptions to this rule are set forth in M.P.E.P. §2131.01 Multiple Reference 35 U.S.C. 102 Rejections, which states, "Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to: (A) Prove the primary reference contains an "enabled disclosure;" (B) Explain the meaning of a term used in the primary reference; or (C) Show that a characteristic not disclosed in the reference is inherent.

Since the Examiner uses multiple references to reject Claims 9-16 and 24-35 under §102, and none of the exceptions apply, the rejections must be withdrawn.

Even if the rejections under §102 based on the multiple references were proper, which they are not, the rejections still fail, as not even a combination of the references anticipates each and every element of the rejected claims. Regarding the rejection under 35 U.S.C. §102, none of the references disclose a specific procedure of acquiring, by a mobile station, secondary

scrambling codes used by a base station. Each and every one of the references only discloses acquiring a primary scrambling code using a cell search of a primary sync channel and a secondary sync channel.

The following explanation is provided to assist in the understanding of the claims of the present application, as well as to provide clearly distinguishing features of the claims of the present application and the cited references.

According to the claims of the present application, each base station transmits control channels and data channels scrambled with the primary scrambling code. The primary scrambling code is used to identify each of the base stations to the mobile station. If the base station has used up all orthogonal codes, the base station transmits to the mobile station data channels scrambled with the secondary scrambling codes. The secondary scrambling codes belong to the primary scrambling code. The mobile station acquires through a cell search the primary scrambling code used by the base station. However, the secondary scrambling code actually used by the base station is acquired by the mobile station, not through a cell search, but through upper layer signaling transmitted from the base station. There are 16 possible secondary scrambling codes. Each of the 16 possible secondary scrambling codes belongs to the primary scrambling code. In order to acquire the secondary scrambling code, the base station sends to the mobile station information that the mobile station uses to determine which secondary scrambling code to use. The information contains IDs of the scrambling codes. The IDs occupy fewer bits than the scrambling codes themselves. The IDs are correlated with the primary scrambling code.

Ericsson is a proposal contributed to the 3rd Generation Partnership Project (3GPP) standard conference, and contained proposed updates to 25.213.

As described in section 5.2.2 Scrambling code, 25.212 discloses scrambling code generation rules, scrambling code numbering rules, rules governing the correlation between the primary scrambling code and the secondary scrambling codes, primary scrambling codes and complex scrambling codes.

25.211 discloses simultaneously transmitting a primary sync channel and a secondary sync channel. The primary sync channel transmits the same code for 256 chips in every slot and the secondary sync channel transmits a code sequence set according to code groups. The primary scrambling codes used by the base stations are assigned to the code groups. The secondary sync channel code sequence is also transmitted for 256 chips per a slot. When 25.211 was submitted to the 3GPP in 1999, one frame consisted of 16 slots and one code group consisted of 16 primary scrambling codes.

The current systems, and to which the present invention is applied, are drastically different. In the current systems, one frame consists of 15 slots and one code group consists of 8 primary scrambling codes.

Mistakenly, the Examiner is asserting that a secondary sync code sequence transmitted over the secondary sync channel of 25.211 is identical to the secondary scrambling code ID transmitted over a common channel of the claims of the present application. This conclusion by the Examiner is incorrect.

The secondary sync channel of 25.211 does not transmit a secondary scrambling code ID, but instead, transmits a primary scrambling code to be used by the base station. Also, the secondary sync channel of 25.211 does not transmit the ID, but instead, sequentially transmits the primary scrambling code in each slot corresponding to the selected code group from among the predetermined 16 primary scrambling code groups.

Based on at least the foregoing, withdrawal of the rejections of Claims 9-16 and 24-35 is respectfully requested.

Independent Claims 9, 13, 24 and 30 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 10-12, 14-16, 25-29 and 31-35, these are likewise believed to be allowable by virtue of their dependence on their respective

amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 10-12, 14-16, 25-29 and 31-35 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 9-16 and 24-35, and new Claims 36-47, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

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